

BOARD OF SELECTMEN
MARCH 26, 2014
REGULAR SESSION

Members Present: Nelson Almeida, Gary Sagar, Michael Brady,
Robert McLintock, David Parker

Town Administrator: Shawn E. Cadime

Chairman Almeida called the meeting to order at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody taping the meeting must notify the Chairman.

OLD BUSINESS

Consider Approval or not of an Addendum to Flansburgh Architect for Additional Contract Work on Senior Center

Chairman of the Senior Center Building Committee David Bowden requested this be postponed to allow the committee to review a document received at the meeting last night. A work session has been scheduled for next week.

A motion was made by Mr. Parker, seconded by Mr. Sagar, and it was unanimously

VOTED: To indefinitely postpone the addendum to the contract with Flansburgh Architect, as per the request of the Chairman of the Building Committee.

Discussion to Reconsider Vote for ABC Disposal Contract Extension from Board of Selectmen Meeting of February 12, 2014

Mr. Cadime distributed Exhibit A. He is reviewing the draft copy included in the packet and it will be forwarded to Kopelman & Paige for legal review.

Mr. Sagar stated that the Board voted the extension to the contract on February 12, 2014. He was the only vote in opposition of extending the contract without a bid. He has received comments from constituents who feel the Board did not act in the best interest of the citizens.

He requested this item be on the agenda for the first meeting in April. In the event the Chairman is not successful in the upcoming election, he would be acting chairman until reorganization. There wouldn't be enough time with the 48 hour rule to put this item on the agenda. Also, there could be a procedural issue in the fact that he voted negative.

He read the Charter, by laws and state law Chapter 30B, which is the procurement law. Rubbish removal is not exempt under services.

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He read the definition - Exemption #30. He discovered Section 13A. He contacted the Atty. General's office. He was told if the original contract was procured under the 30B process, Section 13A would apply. The original contract dates back to August 2003. It is clear that it was secured under the 30B process.

He asked that no further approval be done and that Mr. Cadime review Section 13A.

Mr. McLintock had very strong objections about this contract. He felt it is fair and in the best interest of the Town to bid this out competitively. In looking at ABC's brochure about expansion, it seems that Seekonk will be funding that project. The Town should not be liable to get into the expansion with taxpayers' money.

Mr. Cadime noted that representatives of ABC were in the audience. However, Mr. Sagar said they have already made their presentation. This item needs to be discussed solely by the Board of Selectmen without input from the vendor.

Mr. Brady respectfully disagreed with the State. He isn't sure it would be applicable to a new contract, only an existing one.

He was on the Board in 2009 when the contract came before them. It would be a waste of time. The bidding process was done five years ago and the price wasn't even close.

Mr. Parker concurred. He would not vote to reconsider the previous vote.

Mr. Cadime said they need to be financially prudent – to look at all cost savings. Tonnage from \$82 to \$71 is a significant savings. He understood Mr. Brady and Mr. Parker's position.

He felt the full Board has to be comfortable with the vote taken. It is an enterprise fund so there is a collection fee and the cost of the bags.

He recommended a full analysis - contact other communities and make a determination.

A motion was made by Mr. Parker, seconded by Mr. Sagar, and it was unanimously

VOTED: To table the contract extension with ABC Disposal for further discussion.

Mr. McLintock stated that he also voted against this.

COMMUNITY SPEAKS (FIRST SESSION)

None.

NEW BUSINESS

Recognition of Permanent Promotion of Frank Almeida as Foreman for DPW

Town Engineer David Cabral recommended the appointment. He noted that Mr. Almeida has worked in Seekonk for 13 years.

Mr. Cadime recommended the appointment.

A motion was made by Mr. Parker, seconded by Mr. McLintock, and it was unanimously

VOTED: To promote Frank Almeida as foreman for DPW (permanent position),
as recommended by the Town Administrator and Mr. Cabral.

Consider Approval to Promote from Within a Position of Operator/Laborer in Accordance with CBA

Mr. Cadime said that an individual was promoted but withdrew his name from the position.

Both he and Mr. Cabral recommend the appointment.

A motion was made by Mr. Parker, seconded by Mr. McLintock, and it was unanimously

VOTED: To promote Paul Proulx to the position of Operator/Laborer as recommended
by the Town Administrator and Mr. Cabral.

Consider the Recommendation to Hire Scott Olobri as a Driver/Laborer for DPW

Mr. Cadime and Mr. Cabral recommended the appointment.

A motion was made by Mr. Parker, seconded by Mr. Sagar, and it was unanimously

VOTED: To hire Scott Olobri as a driver/laborer for DPW, effective
March 31, 2014, as recommended by Mr. Cadime and Mr. Cabral.

Mr. Cadime advised that he notified department heads they should recommend the top four candidates. He would sit in on interviews and recommend an individual to the Board with the resumes of the top two candidates.

Discussion on the Cutting of a Town Owned Tree on Hope Street

Mr. Cadime said he received an e mail a couple of weeks ago about a tree being cut down. Mr. Cabral went to check it out and found it was on town property. It was pretty close. He put the burden on the homeowner to prove otherwise.

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Mr. Cabral spoke to Mr. Lamoureux, tree warden, who is on sick leave. Based on the right of way of Hope Street, it appears to be a town-owned tree. He had a legal opinion from Kopelman & Paige regarding "Cutting and Trimming of Public Shade Trees." The person who cut down the tree rents the house at that Hope Street address.

Chairman Almeida would like to see the same decision that was made the last time a tree was cut down.

Mr. Lamoureux had recommended a fine to the homeowner and person who cut the tree.

Mr. Sagar suggested a GIS survey.

Mr. Cadime said it was not financially prudent to spend the \$2,500 to determine if the tree is town property. He agreed with Mr. Lamoureux's recommendation to assume that it is a town-owned tree. It would be up to the homeowner to prove otherwise. The appeal process is before the Board.

Mr. Parker asked if the person is in the tree business.

Mr. Cadime said he had suggested that he is an arborist.

Mr. McLintock felt they need a layout of the roads.

Mr. Brady noted that according to the Commonwealth the burden of proof is on the homeowner. In this case, he felt the tree warden wanted to take action and is letting the Board know in case there is an appeal.

Mr. Cadime assured that the tree trunk is not a safety issue.

Mr. Cabral said there is brush around it that has to be cleaned up. The tree warden recommends that should be done by the homeowner.

A motion was made by Mr. Parker, seconded by Mr. Sagar, and it was unanimously

VOTED: To table discussion on cutting a town-owned tree.

Mr. Bob DelRosso disputed the fact that Mr. Cabral said Hope Street is 50 ft. wide.

Mr. Brady said roads certified under Chapter 90 have to meet certain requirements of the Commonwealth.

Consider Approval of Regular Session Minutes of February 12, 2014 and February 26, 2014

A motion was made by Mr. Sagar, seconded by Mr. Parker, and it was unanimously

VOTED: To accept the Regular Session minutes of February 12, 2014 and February 26, 2014.

OTHER BUSINESS

Discuss Other Topics not Reasonably Anticipated by the Chairman 48 Hours Before the Meeting

None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime advised that SRPEDD was notified that the Town would not be interested in the regional 911 dispatch center. This followed a lengthy initial meeting with representatives from Dighton, Fall River, and Rehoboth. Both chiefs and the communication director had concerns. Mr. Alexander and he had concerns about any cost savings, which would not be realized for ten to fifteen years. Also, once the determination was made to go to this regionalization system all communication equipment would be taken out. If the Town wanted to withdraw, it would have to petition the State to get the equipment back. Everybody would need to be retrained on the standard operating practices. He determined that a feasibility study wasn't worth it.

Mr. Brady said it is almost irrevocable to get the 911 equipment back. There will no longer be anyone in the police station for walk-ins. There would be a telephone to contact the 911 center. The cost to assign a police officer to sit in the station just to help walk-ins would be far in excess of the trained dispatchers in there. The savings are not what he thought it would be.

He agreed with the town administrator's recommendation. The end result was not what was expected.

A motion was made by Mr. Parker, seconded by Mr. Brady, and it was unanimously

VOTED: Not to apply for the feasibility study grant re: regionalization of 911 as recommended by the Town Administrator.

Mr. Cadime advised that he is still reviewing the by-laws to make recommendations on the capital improvement committee.

He is working with Kopelman & Paige in researching the letter re: on-call firefighters. There should be an agenda item for the next meeting to discuss the call firefighters.

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Mr. Cadime received notification from AFSCME that the union representative had changed. He contacted that individual to set up a date for negotiations with dispatch and DPW. He would like to discuss strategy for negotiations in executive session at the next meeting.

After the upcoming election, he would like to create goals and objectives the Board would have for the next year.

Mr. Sagar suggested expanding the capital improvement committee to be a building committee as well.

Mr. Cadime agreed there is a need for a permanent building committee. He felt it should be two separate functions. He hasn't seen any other communities that combine the two.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Sagar said that he received a document from the Chairman of the Board of Assessors. Several months ago, the owner of Greenbrier came before the Board with a complaint against the Board of Assessors and that he was going to file a suit. He did that and a hearing was held in Boston before the Appellate Tax Board. The decision came back in favor of the Town. The action of the assessors was upheld. He acknowledged that the assessors did a great job in representing themselves without legal counsel.

Mr. Parker said happy to hear that office is performing to that level. He questioned why Mr. Sagar was the only one to get the notice.

Mr. Cadime said he did not see it either.

Mr. Sagar mentioned that, at the recent meeting with the School Committee, the Superintendent of Schools indicated there was a state report that had some findings.

Mr. Cadime said those reports are from the Department of Elementary and Secondary Education. There was some indication that they haven't met some of the needs. He has requested that report and will share it with the Board.

Mr. Sagar extended best wishes to Chairman Almeida in the upcoming election.

Board members thanked Mr. McLintock for his many years of service to the Town.

Mr. Parker reminded residents that the Save-A-Pet auction is ongoing tonight and Thursday at the Hilltop. He noted that it is not televised. Last night, they raised more money than ever in 20 years.

Mr. McLintock thanked everybody that he had come in contact with over the years since he first ran for the Board of Selectmen. He felt the Town had accomplished a lot over the years.

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He will still be around. He said it is important that taxpayers be represented by the people sitting at this table. It is difficult. People are having a hard time making ends meet. Fees have to be increased due to government requirements.

He has enjoyed the years and extended best wishes to the members of the Board of Selectmen.

Chairman Almeida said he would like to see a resolution on call firefighters prior to the town meeting in order to allow time to adjust the budget if they will be reactivated.

Mr. Cadime will follow up with Kopelman & Paige.

Chairman Almeida thanked his colleagues on the Board, town employees and residents. He said it was a pleasure to serve on the Board of Selectmen. He would like to have the opportunity to continue for another three years. He encouraged residents to vote on Monday.

COMMUNITY SPEAKS (SECOND SESSION)

Mr. Bob Del Rosso, 201 Miller Street, said he will continue to talk about trees. He asked who paid to have a tree cut down on Miller Street about a week ago.

Mr. David Andrade, 151 Allen Avenue, reminded residents to vote on April 7, 2014. He asked residents to vote for him as a member of the Board of Selectmen.

Chairman Almeida said that some residents feel that veterans' headstones will be removed and placed at the Veterans Memorial Park once it is completed. The families of the veterans are the only ones who can make that decision. The memorials were put in specific places for a reason.

EXECUTIVE SESSION

At 7:21 p.m., a motion was made by Mr. Parker, seconded by Mr. Sagar, to go into Executive Session for continued discussion on real estate negotiations for senior center per M.G.L. Chapter 30A, Section 21(6), 442 Taunton Avenue, and to consider approval of Executive Session minutes of February 12, 2014; to reconvene to Open Session, if necessary.

The vote: Mr. Parker – Aye; Mr. Sagar – Aye; Mr. Brady – Aye; Mr. McLintock – Aye; Chairman Almeida – Aye.

RECONVENE TO OPEN SESSION

The meeting returned to Open Session at 8:11 p.m.

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A motion was made by Mr. Parker, seconded by Mr. Sagar, and it was unanimously

VOTED: To approve a contract with MBL to provide existing condition measures of buildings in a Form A subdivision at 442 Taunton Avenue in the amount of \$5,300, money coming from the warrant article.

The vote: Mr. Parker – Aye; Mr. Sagar – Aye; Mr. Brady – Aye; Mr. McLintock – Aye; Chairman Almeida – Aye.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To authorize the Town Administrator to sign all documents with regard to the ZBA and Form A for the senior center project.

The vote: Mr. Brady – Aye; Mr. Sagar – Aye; Mr. McLintock – Aye; Mr. Parker – Aye; Chairman Almeida – Aye.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To adjourn at 8:17 p.m.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. McLintock – Aye; Mr. Parker – Aye; Chairman Almeida – Aye.

Respectfully submitted,

Michael Brady, Clerk

Patricia Gamer, Secretary